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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,332	07/02/2003	Edward Goldberg	287/9	3826
27538	7590	10/31/2005	EXAMINER	
KAPLAN GILMAN GIBSON & DERNIER L.L.P. 900 ROUTE 9 NORTH WOODBIDGE, NJ 07095			CHIANG, JACK	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,332

Applicant(s)

GOLDBERG, EDWARD

Examiner

Jack Chiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17, 20-30, 32-35, 37-62 is/are pending in the application.
- 4a) Of the above claim(s) 2-17, 20-29, 32, 35 and 37-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30, 33, 34 and 46-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS

1. Claims 1, 18-19, 31, 36 had been cancelled.

Claims 2-17, 20-29, 32, 35-45 had been withdrawn from further consideration.

Claims 30, 33-34, 46-62 have been examined.

Art Rejection

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30, 33-34, 46-49, 51, 53-55, 57, 59-62, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reick (DE 004310602) in view of Johnson et al. (US 20040203501), or vice versa.

Regarding claim 30, Reick shows:

A communication device and at least one attachment (fig. 1);

The attachment device (12) allows the device to be selectively attached to another item, and at least one rail (see 15) extending from the attachment device (12);

The attachment device (12) being selectively slidably extendible (fig. 4) from and selectively slidably retractable (fig. 5) the communication device (10);

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The selective slidability achieved through communication of the at least one rail (see 15) in a channel (below 16) in the communication device (10).

Reick differs from the claimed invention in that the attachment device (12) is a clip which is not in the form having one openable gate member.

However, Johnson teaches providing a clip having one openable gate member (23, or 93, or 163).

Hence, the concept of providing an attachment device is well taught by both Reick and Johnson, and it is understood that such clips are interchangeably used in such environment. Therefore, it would have been obvious for one of ordinary skill in the art to use Reick as it is, or to replace Reick's clip with Johnson's clip if the user wants to use the device while maintaining the device with its supporting element (see paragraphs 0018-1129 in Johnson).

Regarding claim 46, Reick shows:

A communication device and at least one attachment (fig. 1);

The attachment device (12) allows the device to be selectively attached to another item, and at least one rail (see 15) extending from the attachment device (12);

The attachment device (12) being telescopingly extendible from and retractable (figs. 4-5) into the communication device (10);

The telescopability achieved through communication of the at least one rail (see 15) in a channel (below 16) in the communication device (10).

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Reick differs from the claimed invention in that the attachment device (12) is a clip which is not in the form having one openable gate member.

However, Johnson teaches providing a clip having one openable gate member (23, or 93, or 163).

Hence, the concept of providing an attachment device is well taught by both Reick and Johnson, and it is understood that such clips are interchangeably used in such environment. Therefore, it would have been obvious for one of ordinary skill in the art to use Reick as it is, or to replace Reick's clip with Johnson's clip if the user wants to use the device while maintaining the device with its supporting element (see paragraphs 0018-1129 in Johnson).

Regarding claims 33-34, 47-49, 51, 53-55, 57, 59-62, the combination of Reick and Johnson shows:

A carabiner (see 23, or 93, or 163 in Johnson);

The attachment device (see clips on both Reick and Johnson) being nestable proximate the communication device in a nonextended/retracted position;

First and second rails (see 15 on both sides) and channels (below 16 on both sides);

A cavity (see area of 23);

The attachment device (i.e. area of 19-22) is substantially/isn't concealed within the cavity.

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4. Claims 50, 52, 56, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Reick and Johnson et al. in view of Sautome (JP 411041332A).

Regarding claims 50, 52, 56, 58, the combination of Reick and Johnson shows the attachment device (12) with rails (see area of 15) and channels (see area of 16).

The combination differs from the claimed invention in that it does not explicitly show the rail has an enlarged end and the channel has a lip.

However, Sautome teaches providing an attachment device (fig. 1) having rails (1) which has an enlarged end (left end of 1 in fig. 1) and channels (see 3) having a lip (see area of 2 in fig. 1).

Hence, the concept of providing the attachment device is well taught by the combination of Reick, it would have been obvious for one of ordinary skill in the art to modify the rails of the combination with an enlarged end as taught by Sautome, such that it allows the combination to adjust the attachment device in various positions according to the mounting environment of the electronic device (see English translation in Sautome).

ARGUMENT

5. In response to the remarks (pages 11-13) filed 10/03/05, in page 11, applicant first argues that the examiner has not fulfilled his obligations ... pointing out the motivation for combining Reick and Johnson.

The examiner respectively disagrees. First, both Reick and Johnson teach an attachment device for an electronic device. Reick is a belt clip type which is known to

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be hung on a belt or bar for supporting the device. This is one mounting environment. Johnson is a hook type which can be clamped onto a bar or a string for supporting the device. This can be considered as the same/different environment as Reick. One skilled in the art can certainly use Reick as it is when the user supports the device in his belt. However, if one skilled in the art wishes to support the device in a slightly different manner, such as to use the device while maintaining the device with its supporting element (see paragraphs 0018-1129 in Johnson). Reick's clip needs to be replaced with Johnson's hook. This is dictated by a specific environment/usage of the attachment device. The reason for combining the references is to use the device while maintaining the device with its supporting element (see paragraphs 0018-1129 in Johnson).

In conclusion, it is believed that the examiner has fulfilled his obligations when laying out the 103 rejection.

In page 12, applicant argues about the rails and channels recited in the newly submitted claims. These claimed limitations have been pointed out in the Reick rejections above. In fact, Reick allows the attachment device to be slidable with respect to the electronic device, the rails and channels are known features for a slidable mechanism, see also rejections above.

6. Applicant's arguments with respect to claims 30, 33-34, 46-62 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
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